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Attorney for Mullooly Jeffrey Rooney & Flynn LLP

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -  
In re

KEVIN JARED ROSENBERG

**Chapter 7**

Debtor,

**Case No. 18-35379-cgm**

- - - - -  
KEVIN JARED ROSENBERG

Plaintiff,

**Adv. Pro. No. 18-09023-cgm**

-v-

NY STATE HIGHER EDUCATION SERVICES CORPORATION  
YESHIVA UNIVERSITY  
THE LAW FIRM OF MULLOOLY JEFFREY ROONEY & FLYNN LLP  
Defendants.

- - - - -  
**ANSWER OF MULLOOLY, JEFFREY, ROONEY & FLYNN LLP TO COMPLAINT TO DISCHARGE  
STUDENT LOANS**

Defendant **MULLOOLY, JEFFREY, ROONEY & FLYNN LLP**, in Answer to the Complaint  
to Discharge Student Loans of the Plaintiff, KEVIN JARED ROSENBERG, in the above-captioned  
Chapter 7 case respectfully state as follows:

JURISDICTION OF THE PARTIES

1. The allegation set forth in paragraph 1 of the Complaint states a legal conclusion to which no response is required.

2. Defendant Mullooly, Jeffrey, Rooney & Flynn LLP (hereinafter "MJRF") denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth paragraph 2 of the Complaint.

3. Defendant MJRF denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth paragraph 3 of the Complaint.

4. Defendant MJRF denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth paragraph 4 of the Complaint.

5. Defendant MJRF denies the allegations set forth paragraph 5 of the Complaint. Mullooly, Jeffrey, Rooney & Flynn LLP is the attorney for Access Group. It has not acquired any debt and is improperly named as a defendant herein.

6. Defendant MJRF denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth paragraph 6 of the Complaint.

FACTUAL ALLEGATIONS

7. Defendant MJRF denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth paragraphs 7 and 8 of the Complaint.

8. Defendant MJRF denies the allegations set forth paragraph 9 of the Complaint. Mullooly, Jeffrey, Rooney & Flynn LLP is the attorney for Access Group and has not acquired this debt. MJRF is improperly named as a defendant in this proceeding.

9. Defendant MJRF denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth paragraphs 10, 11 and 12 of the Complaint.

10. Defendant MJRF denies the allegations set forth paragraph 13 of the Complaint. Mullooly, Jeffrey, Rooney & Flynn LLP is the attorney for Access Group and has not acquired this debt. MJRF is improperly named as a defendant in this proceeding.

11. Defendant MJRF denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth paragraphs 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of the Complaint.

CAUSE OF ACTION  
CLAIM ONE

12. MJRF reincorporates its answers as set forth in the above paragraphs 1-11 as though fully set forth herein.

13. The allegations in paragraph 30 of the complaint state a legal conclusion to which no response is required.

GENERAL DENIAL

14. MJRF generally denies any liability to the plaintiff. To the extent that any allegations in the complaint have not been specifically admitted or denied, they are hereby denied.

**MJRF IS AN IMPROPER PARTY TO THIS PROCEEDING**

15. Mullooly, Jeffrey, Rooney & Flynn LLP is the attorney for Access Group and has not acquired this debt. MJRF is improperly named as a defendant in this proceeding.

**RESERVATION OF RIGHTS**

16. MJRF expressly reserves the right to amend this answer by way of adding affirmative defenses, counterclaims, cross-claims.

WHEREFORE, the Defendant, Mullooly, Jeffrey, Rooney & Flynn LLP respectfully requests that judgment be entered in its favor dismissing the Complaint with prejudice and granting such other and further relief deemed appropriate including without limitation the award of fees and costs associated with the defense against the Complaint.

Dated: Syosset, New York  
July 16, 2018

  
**MULLOOLY, JEFFREY, ROONEY & FLYNN LLP**

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**BY: KERRI S. FLYNN, ESQ. (KF-9781)**  
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**CERTIFICATE OF SERVICE**

I certify that on July 16, 2018, I served a copy of the forgoing Answer to the Complaint to discharge student loans of Mullooly, Jeffrey, Rooney & Flynn LLP via Efile and first class mail, postage prepaid to the following:

Kevin J. Rosenberg, Esq.

Plaintiff/Debtor

15 Grove Street

Beacon, NY 12508

Clerk of the Court

United States Bankruptcy Court

Southern District of New York

355 Main Street

Poughkeepsie, NY 12601

Trustee

Fred Stevens

Klestadt Winters Jureller

Southard & Stevens, LLP

200 West 41st Street

17th Floor

New York, NY 10036

(212) 972-3000

U.S. Trustee

United States Trustee

74 Chapel Street

Albany, NY 12207

(518) 434-4553

**MULLOOLY, JEFFREY, ROONEY & FLYNN LLP**

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